University of Malaya Medical Centre v Choo Chee Kon & Anor

HIGH COURT (KUALA LUMPUR) — CIVIL SUIT NO S3–22–1603 OF 2004
MOHD HISHAMUDIN J
24 DECEMBER 2007

Civil Procedure — Injunction — Setting aside — Defendants opposed administering of blood transfusion to their baby by plaintiff — Plaintiff obtained ex parte injunction order for blood transfusion — Failure by plaintiff to give notice of ex parte injunction to defendants — Whether against mandatory requirement under O 29 r 1(2A)(c) of the Rules of the High Court 1980 — Rules of the High Court 1980 O 29 r 1(2A)(c)

The first and second defendants were husband and wife and were also followers of a sect of Christianity known as Jehovah's Witnesses. On 4 October 2004, the second defendant was admitted to the plaintiff's hospital ('the hospital') as she was pregnant and suffering from complications associated with a heart condition known as Eisenmenger Syndrome. This medical condition placed the second defendant's health at serious risk during her pregnancy. Several members of the medical team assigned to care for the second defendant met with her and her husband ('the first defendant') to discuss the possibility of her undergoing a caesarean section on 11 October 2004. The second defendant refused to consent to the operation, consistent with the beliefs of the Jehovah's Witnesses. The defendants also, by reason of their religious beliefs as Jehovah Witnesses, opposed the administering of blood transfusion to their baby citing, among others, their constitutional right to practise their religion as guaranteed by arts 3 and 11 of the Federal Constitution. The defendants served a written directive to the plaintiff that no blood transfusion be given to the defendants' baby under any circumstances whatsoever, even if the physicians were to deem it necessary — to preserve its life or health. The directive also stated the defendants' willingness to consent to the use of non-blood volume expanders for their baby. Subsequently, due to the second defendant's and the baby's condition, there was every possibility that on 21 October 2004 and thereafter that the baby would be in danger and might require blood transfusion.

The plaintiff therefore obtained an ex parte injunction order on 21 October 2004 that, inter alia, permitted the plaintiff's medical team to give blood transfusion to the defendants' baby if deemed necessary. The defendants' baby was born at about 11am on 21 October 2004. However, the copy of the

ex parte injunction order was only served on the first defendant on 22 October 2004 and on the second defendant through her solicitors, on 28 October 2004. Thus, on 5 November 2004, the defendants filed the present summons in chambers to seek, inter alia, an order that: (a) the ex parte injunction order be set aside; and (b) special and general special damages suffered by the defendants be assessed. The defendants contended, among others, that the plaintiff had failed to give notice of the ex parte application to the defendants when the plaintiff applied for the ex parte injunction order; or, alternatively to explain satisfactorily as to why such a notice was not given to them, a requirement in O 29 r 1(2A)(c) of the Rules of the High Court 1980 ('the RHC').

Held, setting aside the ex parte injunction order:

(1) There was merit in the defendants' contention that the plaintiff's failure to give notice was not justified. The plaintiff could have — and should have — notified the defendants on the 20 October itself of its intention to file the ex parte application on the next day, 21 October, on a certificate of urgency, so that the defendants could have alerted their solicitors; and so that the defendants' counsel could appear before the court at the hearing of the ex parte application and to apply to be given the opportunity to be heard on an ex parte opposed basis. But the plaintiff's doctors or solicitors chose not to inform the defendants of the ex parte application (see paras 20–21).

(2) There was no satisfactory explanation whatsoever proffered to the court as to why the defendants were not given notice on 20 October 2004 (or at the very least on the morning of 21 October). The explanation in the plaintiff's affidavit in support was too vague and too lame an excuse. There was clear non-compliance of O 29 r 1(2A)(c) of the RHC which was mandatory and constituted a very serious breach of the RHC and therefore, the ex parte order must be set aside, an approach consistent with the policy behind the introduction of r 1(2A) (see paras 23–27).

Obiter:

As Jehovah's Witnesses, the defendants believe that obedience to the Biblical injunction to 'abstain from blood' is of the utmost importance. The defendants regarded this Biblical injunction that rules out transfusion of blood as being fundamental to their worship of God. Their decision to refuse the use of blood transfusion in the baby care was made in accordance with these religious convictions which view the forced administration of blood, a body fluid, as the moral equivalent of rape (see para 11).

[Bahasa Malaysia summary

Defendan-defendan pertama dan kedua adalah suami isteri dan juga pengikut taifah Kristian yang dikenali sebagai *Jehovah's Witnesses*. Pada 4 Oktober 2004, defendan kedua telah dimasukkan ke hospital plaintif ('hospital tersebut') kerana mengandung dan mengalami komplikasi berkaitan keadaan jantung yang dikenali sebagai Sindrom Eisenmenger. Keadaan kesihatan ini meletakkan kesihatan defendan kedua dalam risiko yang serius semasa mengandung. Beberapa ahli pasukan perubatan yang ditugaskan untuk menjaga defendan kedua telah berjumpa dengan beliau dan suaminya (defendan pertama) untuk membincangkan kemungkinan beliau menjalani pembedahan caesarean pada 11 Oktober 2004. Defendan kedua enggan mengizinkan pembedahan itu yang konsisten dengan kepercayaan *Jehovah's Witnesses*. Defendan-defendan juga, oleh sebab kepercayaan mereka sebagai *Jehovah's Witnesses*, menentang pemindahan darah dilaksanakan ke atas bayi mereka dan menyatakan, antara lain, hak perlembagaan mereka untuk mengamalkan agama mereka seperti yang dijamin oleh perkara-perkara 3 dan 11 Perlembagaan Persekutuan. Defendan-defendan menyerahkan satu arahan bertulis kepada plaintif agar tiada pemindahan darah diberikan kepada bayi defendan-defendan di bawah apa-apa keadaan sekalipun, meskipun pakar perubatan menganggap ia adalah perlu — untuk menyelamatkan nyawa atau kesihatannya. Arahan itu juga menyatakan kesanggupan defendan-defendan untuk bersetuju dengan penggunaan pengembang isi padu bukan berbentuk darah untuk bayi mereka. Selepas itu, akibat daripada keadaan defendan kedua dan bayinya, timbul kebarangkalian besar bahawa pada 21 Oktober 2004 dan selepas itu bayi tersebut akan berada dalam keadaan yang membahayakan dan mungkin memerlukan pemindahan darah.

Plaintif oleh itu, telah mendapatkan satu perintah injunksi ex parte yang, antara lain, membenarkan pasukan perubatan plaintif membuat pemindahan darah kepada bayi defendan-defendan jika difikirkan perlu. Bayi defendan-defendan telah dilahirkan lebih kurang pukul 11 pagi pada 21 Oktober 2004. Walau bagaimanapun, salinan perintah injunksi ex parte hanya diserahkan kepada defendan pertama pada 22 Oktober 2004 dan kepada defendan kedua melalui peguamcaranya, pada 28 Oktober 2004. Pada 5 November 2004, defendan-defendan telah memfailkan saman dalam kamar untuk memohon, antara lain, suatu perintah agar: (a) perintah injunksi ex parte diketepikan; dan (b) ganti rugi khas dan am yang dialami oleh defendan-defendan ditaksirkan. Defendan-defendan menegaskan, antara lain, bahawa plaintif telah gagal memberikan notis tentang permohonan ex parte kepada defendan-defendan apabila plaintif memohon untuk perintah injunksi ex parte tersebut atau; secara alternatifnya untuk menjelaskan secara memuaskan kenapa notis tersebut tidak diberikan kepada

A mereka, satu keperluan A 29 k 1(2A)(c) Kaedah-Kaedah Mahkamah Tinggi 1980 ('KMT').

B **Diputuskan**, mengenepikan perintah injunksi ex parte:

(1) Terdapat merit dalam hujah defendan-defendan bahawa kegagalan plaintif untuk memberikan notis tidak dijustifikasikan. Plaintif boleh — dan sepatutnya — memberitahu defendan-defendan pada 20 Oktober, tentang niatnya untuk memfailkan permohonan ex parte C pada keesokan harinya, 21 Oktober, atas sijil perakuan segera, agar defendan-defendan boleh mengarahkan peguamcara mereka; dan agar peguam defendan-defendan boleh hadir di hadapan mahkamah pada perbicaraan permohonan ex parte dan memohon diberikan peluang untuk didengar atas dasar ex parte bertentangan. Namun doktor atau D peguamcara plaintif memilih untuk tidak memberitahu defendan-defendan tentang permohonan ex parte tersebut (lihat perenggan 20–21).

(2) Tiada penjelasan yang memuaskan diberikan kepada mahkamah E mengapa defendan-defendan tidak memberikan notis pada 20 Oktober 2004 (atau sekurang-kurangnya pada pagi 21 Oktober). Penjelasan di dalam afidavit sokongan plaintif tidak jelas dan merupakan alasan yang lemah. Jelas terdapat ketidakpatuhan A 29 k 1(2A)(c) KMT yang mandatori dan merupakan pelanggaran serius KMT dan oleh itu, F perintah ex parte hendaklah diketepikan, satu pendekatan konsisten dengan polisi dalam pengenalan s 1(2A) (lihat perenggan 23–27).

Obiter:

Sebagai *Jehovah's Witnesses*, defendan-defendan mempercayai bahawa G kepatuhan kepada perintah kitab Injil untuk 'abstain from blood' adalah paling penting. Defendan-defendan menganggap perintah kitab Injil yang tidak membenarkan pemindahan darah sebagai suatu yang amat penting dalam menyembah Tuhan mereka. Keputusan mereka untuk tidak menggunakan pemindahan darah dalam penjagaan bayi dilakukan menurut H keyakinan kepada agama yang melihat kemasukan darah, bendalir badan, secara paksa, dari segi moral adalah sama seperti rogol (lihat perenggan 11).]

Notes

For cases on setting aside of injunction, see 2(2) *Mallal's Digest* (4th Ed, 2007 I Reissue) paras 3565–3573.

Cases referred to

RIH Services (M) Sdn Bhd v Tanjung Tuan Hotel Sdn Bhd [2002] 3 MLJ 1 (refd)

Legislation referred to

Federal Constitution arts 3, 11
Rules of the High Court 1980 O 29 r 1(2), O 29 r 1(2A)(c), O 29 r 1(2B)

Joseph Yeow (N Sharmini with him) (Siva Dharma & Associates) for the plaintiff.
Warrant Cathcart (Malik Imtiaz Sarwar with him) (Reuben, Annou & Co) for the defendants.

Mohd Hishamudin J:

[1] The inter parte summons in chambers at encl 11 is an application by the defendants to set aside an ex parte injunction order obtained by the plaintiff on 21 October 2004.

[2] The ex parte injunction order applied for by the plaintiff and granted by this court is that the defendants are restrained from obstructing or causing obstruction, in any possible way, to the plaintiff or its officers or servants from performing their duties as doctors in treating the defendants' baby in a safe manner especially the administering of blood transfusion to the baby whenever deemed necessary.

[3] The defendants, by reason of their religious beliefs as Jehovah Witnesses, opposed the administering of blood transfusion to their baby citing, among others, their constitutional right to practise their religion as guaranteed by arts 3 and 11 of the Federal Constitution. I have allowed the defendants' application to set aside the ex parte order with costs. I have also ordered that damages, if any suffered, be assessed by the registrar. My grounds are as follows.

[4] The first and second defendants were husband and wife. They were also followers of a sect of Christianity known as Jehovah's Witnesses. On 4 October 2004, the second defendant was admitted as a patient to the plaintiffs hospital, the University of Malaya Medical Center ('hospital'). The second defendant was pregnant and suffering from complications associated with a heart condition known as Eisenmenger Syndrome. This medical condition placed the second defendant's health at serious risk during her pregnancy. At the time of her admission as a patient, the second defendant was about 25 weeks pregnant.

[5] As a result of vomiting blood on 7 October 2004, the second defendant was transferred to the Coronary Care Unit of the hospital. Several members of the medical team assigned to care for the second defendant met with her and her husband (the first defendant) to discuss the possibility of her

undergoing a caesarean section on 11 October 2004. The second defendant refused to consent to that operation as scheduled, because she wanted to maximise the foetus' chance to live. She was prepared to extend the term of her pregnancy for as long as she could personally manage. The second defendant's decision, which had the full support of the first defendant, was motivated by a desire to protect the sanctity of the foetus' life which is consistent with the beliefs of the Jehovah's Witnesses, who view the sanctity of life as a fundamental religious principle. The caesarean operation scheduled for 11 October 2004 was therefore cancelled.

[6] On 8 October 2004, the second defendant provided a written directive to the plaintiff setting forth, amongst other matters, her instructions that no blood transfusions (whole blood, red cells, white cells, platelets, or blood plasma) be given to her under any circumstances, even if the doctors deem such measure necessary to preserve her life or health. The directive also stated her willingness to consent to the use of non-blood volume expanders.

[7] Shortly thereafter, a discussion took place between the defendants and the members of the plaintiffs medical team which included;

(a) Professor YK Chan (anaesthetist);

(b) Professor PC Tan (obstetrician);

(c) Dr Nik Asmah; and

(d) Professor Boey (paediatrician).

[8] At that meeting, the first defendant raised the idea that erythropoietin (rHuEPO), a synthetic hormone that stimulates erythropoiesis, could be administered to the baby as part of non-blood medical management strategy. Further discussions were held between the members of the plaintiffs medical team and representatives of the Jehovah's Witnesses Hospital Liaison Committee ('JWHLC') pertaining to the available alternatives to the use of blood.

[9] On 14 October 2004, a further meeting took place between the first defendant, the members of the plaintiffs paediatric team and JWHLC's representatives. At that meeting, Professor Boey ('paediatrician') opined that various complications, generally associated with premature babies, may lead to acute blood loss and the possibility that the baby may suffer severe jaundice, which required the use of blood. However, should there be a need for blood transfusion, the first defendant would be first notified.

[10] In response to what was discussed at the meeting, the defendants served a written directive to the plaintiff that no blood transfusion (whole

blood, red cells, white cells, platelets, or blood plasma) be given to the defendants' baby under any circumstances whatsoever, even if the physicians were to deem it necessary to preserve its life or health. The directive also stated the defendants' willingness to consent to the use of non-blood volume expanders for their baby.

[11] As Jehovah's Witnesses, the defendants believe that obedience to the Biblical injunction to 'abstain from blood' is of the utmost importance. The defendants regarded this Biblical injunction that rules out transfusion of blood as being fundamental to their worship of God. Their decision to refuse the use of blood transfusion in the baby care was made in accordance with these religious convictions which view the forced administration of blood, a body fluid, as the moral equivalent of rape.

[12] On 18 October 2004, the second defendant complained of a weakening heart. In response, the medical team recommended that a caesarean section be carried out, to which the second defendant consented. The operation was scheduled for 21 October 2004. The members of the plaintiff medical team made a collective decision to refer the matter to the Director of the Hospital, Professor Mohd Amin.

[13] Due to the second defendant's serious condition, the extreme low weight of the baby and the extreme prematurity of the baby, there was every possibility that on 21 October 2004 and thereafter that the baby would be in danger and might require blood transfusion. Professor Mohd Amin instructed lawyers on 20 October 2004 to obtain a court order.

[14] On the following day, 21 October 2004, a writ action was filed in the High Court of Kuala Lumpur by the plaintiff hospital against the defendants seeking, inter alia: (1) a declaration that the directive of 14 October 2004 is invalid and null and void; and (2) an injunction to restrain the defendants from preventing the plaintiff or its doctors from giving medical treatment to the defendants' baby including the administering of blood transfusion on the baby should the plaintiff deemed it necessary to do so to save the baby's life. Simultaneously, the plaintiff also made an ex parte interlocutory application by way of summons in chambers (supported by a certificate of urgency) for an interlocutory injunction to restrain the defendants from obstructing the plaintiff or its doctors from performing their duties in treating the defendants' baby in a safe manner especially the administering of blood transfusion to the baby should the need arise. The ex parte application was heard in chambers at 2.15pm on 21 October, and an ex parte injunction order was obtained that, inter alia, permits the plaintiffs medical team to give blood transfusion to the defendants' baby if deemed necessary. The defendants' baby was born at about 11am on 21 October 2004.

[15] A copy of the ex parte injunction order was served on the first defendant on 22 October 2004 and on the second defendant through her solicitors, Messrs Reuben, Annou & Co on 28 October 2004.

[16] On 5 November 2004, the defendants filed the present summons in chambers via encl 11 seeking, inter alia, an order that:

(a) the ex parte injunction order dated 21 October 2004 be set aside; and

(b) special and general special damages suffered by the defendants be assessed.

[17] The ex parte injunction order lapsed by operation of law on 11 November 2004 pursuant to O 29 r 1(2B) of the Rules of the High Court 1980 ('the RHC').

[18] In the defendants' application that is now before me (encl 11) it will be necessary to determine whether the ex parte injunction order should have been or should not have been granted in the first place. This is necessary in order to determine whether damages should be awarded or not (see *RIH Services (M) Sdn Bhd v Tanjung Tuan Hotel Sdn Bhd* [2002] 3 MLJ 1 at pp 8–9).

[19] In the present case, in seeking to set aside the ex parte injunction order of 21 October 2004, the defendants contend, among others, that the plaintiff had failed to give notice of the ex parte application to the defendants when the plaintiff applied for the ex parte injunction order; or, alternatively to explain satisfactorily as to why such a notice was not given to them. The giving of notice of the ex parte application (or the furnishing of an explanation in the ex parte application where such notice was not given) is required by O 29 r 1(2A)(c) of the RHC.

[20] In my judgment, there is a merit in the defendants' contention that the plaintiff's failure to give notice was not justified. The plaintiff's solicitors had received the instructions to obtain the interlocutory relief on 20 October 2004 and had also on that day completed the bulk of the court papers for filing. On the morning of 21 October 2004, Professor Dato' Dr Mohd Amin signed his affidavit in support of the plaintiffs ex parte application. Later that morning, the caesarean section was performed successfully, and the defendants' baby was born at about 11am. Unknown then to the defendants, the plaintiff's ex parte application was filed, and hearing to determine the plaintiff's application for ex parte injunctive relief was set for 2.15pm on that day (21 October).

[21] Hence, on 20 October 2004 the plaintiff and their solicitors were making the necessary preparation for the filing of the ex parte application and they expected to file the ex parte application the following day, 21 October 2004, at the Civil Division of the High Court of Kuala Lumpur at Wisma Denmark via a certificate of urgency, hoping to get a hearing if possible on the 21 October itself. This being the scenario, the plaintiff could have — and should have — notified the defendants on the 20 October itself of its intention to file at the Civil Division registry of the High Court Kuala Lumpur at Wisma Denmark the ex parte application on the next day, 21 October, on a certificate of urgency, so that the defendants could have alerted their solicitors; and so that the defendants' counsel could appear before the court at the hearing of the ex parte application and to apply to be given the opportunity to be heard on an ex parte opposed basis. But the plaintiff's doctors or solicitors chose not to inform the defendants of the ex parte application. Even in the morning of 21 October when the solicitors for the plaintiff was set to file the ex parte application, the defendants were still not informed — although the plaintiff had ample opportunity to do so, if the plaintiff had taken the matter of giving notice seriously; which as a matter of law the plaintiff should — all the more so where in this case the plaintiff was conscious of the fact that the defendants were seriously against the giving of blood transfusion to their baby — not on any irrational ground — but on the ground of religious belief as Jehovah Witnesses. Hence the fact was that the defendants throughout knew nothing about the plaintiff's ex parte court application either on the 20 October or on the 21 October — not until Professor Dato' Dr Mohd Amin mentioned it during the meeting with the first defendant and Mr Radha Krishnan (an advocate and solicitor and representative of JWHLC) at about 1.30pm on 21 October. Even then the purpose of Prof Mohd Amin mentioning about the ex parte application was not with a view to giving notice as required by law: it was mentioned by him merely in the course of discussion with the first defendant and Mr Radha Krishnan. The first defendant and Mr Radha Krishnan immediately informed Prof Mohd Amin that the first defendant wanted the hearing to be held inter parte with his lawyer present in court. According to Prof Mohd Amin he was not able to communicate with the plaintiff's solicitors to convey the first defendant's request, but Professor Mohd Amin did not explain in his affidavit the details of the efforts made by him to contact the plaintiff's solicitors.

[22] Now, with regard to the plaintiff's claim that it was unable to communicate with its solicitors on 21 October prior to the hearing at 2.15pm, I find it difficult to accept this assertion; for between 11am and

2.15pm that day there must have been contact between the plaintiff and its legal counsel because the latter was apparently able to advise the court (during the hearing in chambers at 2.15pm) that the defendants' baby had been born on 11am.

[23] In my judgment, there was no satisfactory explanation whatsoever proffered to the court as to why the defendants were not given notice on 20 October 2004 (or at the very least on the morning of 21 October). The plaintiff's affidavit in support at encl 2, which was affirmed by Professor Dato' Dr Mohd Amin bin Jalaludin on 21 October 2004, at para 23 merely states:

> 23 Saya dinasihatkan oleh doktor-doktor yang merawat defendan kedua bahawa mereka telah memberitahu defendan-defendan bahawa plaintif berhasrat untuk mendapat perintah mahkamah untuk menjalankan rawatan termasuk transfusi darah atas bayi tetapi atas sebab kesuntukan masa dan memandangkan percubaan terakhir pada 20 Oktober 2004 untuk menyelesaikan perkara ini telah gagal, maka plaintif tidak sempat memberi notis kepada defendan-defendan berhubung dengan permohonan plaintif untuk mendapat satu perintah injunksi interlokutori ex parte.
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> [I have been advised by the doctors treating the second defendant that they have informed the defendants that the plaintiff intend to obtain a court order to proceed with treatment including blood transfusion on the baby but due to time constraint and because the final attempt on 20 October 2004 to resolve the matter failed, therefore the plaintiff had no time to give notice to the defendants regarding the plaintiffs application to obtain an ex parte interlocutory injunction order.]

[24] This is too vague an explanation and too lame an excuse. The legal burden is on the plaintiff to satisfy the court as to why it failed to give notice to the defendants. In my opinion, in the present case, the duty to give notice arises on 20 October itself when the plaintiff made the decision to file the ex parte application on 21 October. In my judgment, upon examining the explanation furnished in the above para 23, I find that the plaintiff has failed to furnish a satisfactory explanation as to why notice of the ex parte application was not given to the defendants. The plaintiff alleges that there was 'time constraint'. Why was there 'time constraint' (*kesuntukan masa*)? The plaintiff must give the court a clear explanation, — not a general or a vague explanation. My finding is that clearly there is no satisfactory explanation given by the plaintiff. In arriving at my finding, besides scrutinising para 23, I also take into account of the following facts. The defendants were not elusive parties; nor were they strangers to the plaintiff. Indeed, the second defendant was the patient of the plaintiff

hospital, who was admitted to the plaintiff hospital as early as 4 October; and the first defendant was her husband who had shown deep concern over his wife's health and medical condition; and both defendants could have been easily contacted by the plaintiffs officers or doctors. They had been cooperative (save for their religious beliefs — being Jehovah Witnesses) with the hospital's medical team and has had a series of discussions with the medical team. On examining the above para 23 it is clear to me that the plaintiff has taken the legal duty to inform the defendants of the ex parte application, or the legal duty to explain to the court for the omission in giving such notice, very lightly. In my judgment, the averment at para 23 is nothing but a mere lip service effort.

[25] Thus, there is clear non-compliance of O 29 r 1(2A)(c) of the RHC. Order 29 r 1(2) and (2A)(c) of the RHC stipulates:

> (2) Where the applicant is the plaintiff and the case is one of urgency such application may be made ex parte by summons supported by an affidavit but, except as aforesaid, such application must be made by summons.
>
> (2A) The affidavit in support shall contain a clear and concise statement:
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> > (c) of the facts relied on as justifying application ex parte, including details of any notice given to the defendant or, if none has been given, the reason for giving none;

[26] According to the *Malaysian High Court Practice*, 2001 Desk Ed 1, at p 1032, para [29.1.17]:

> The requirements in r 1(2A) are mandatory. Thus, where a plaintiff fails to give notice of an application made ex parte out of fear that it will defeat the purpose of the proceedings, the plaintiff must state in his supporting affidavit the reasons why notice in advance was not given to the defendant. As the introductory sentence in r 1(2A) states that the affidavit 'shall contain a clear and concise statement', the statement must be stated clearly and concisely and may not be implied: *Delimec Hygiene Sdn Bhd v EMIC (M) Sdn Bhd* [2001] 5 MLJ 186 at p 197.
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> The consequence of the plaintiffs failure to comply with r 1(2A) is that the injunction must be discharged. To do otherwise would defeat the policy behind the introduction of r 1(2A): *UMAS Sendirian Berhad v RHB Bank Berhad & Anor* [2001] 1 AMR 1024.

[27] In my judgment, compliance with r 1(2A)(c) is mandatory. If there had been non-compliance, it is a very serious breach of the RHC and the

ex parte order must be set aside. This approach is consistent with the policy behind the introduction of r 1(2A). I therefore, set aside the ex parte injunction order due to non-compliance of r 1(2A)(c) of the RHC.

Ex parte injunction order set aside.

Reported by Sally Kee